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## RECOMMENDATIONS FOR THE BOARD OF GUIDE DOGS FOR THE BLIND

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### RECOMMENDATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS

**ISSUE #1. (CONTINUE REGULATION OF THE INDUSTRY?) Should the licensing and regulation of guide dog schools and fundraisers be continued?**

**Recommendation #1:** *The Department recommends the continued oversight of guide dog schools.*

**Comments:** While the Department recognizes the Board's long history of service to the blind community, we also note that the Bureau for Private Postsecondary and Vocational Education (Bureau) and the Attorney General have expertise and jurisdiction that might provide additional protection for guide dog users. As the state agencies responsible for regulating private instructional institutions and charitable fundraising, the Bureau and the Attorney General have considerable knowledge of and experience with conducting financial reviews.

An additional consideration for the JLSRC is whether consolidating some of the Board's functions under the proposed Commission for the Blind and Visually Impaired within the Health and Human Services Agency which would be created by SB 105 (Burton) would better serve the blind and visually impaired.

**ISSUE #2. (CONTINUE LICENSURE OF INSTRUCTORS?) Should the state continue with the licensing and regulation of guide dog instructors?**

**Recommendation #2:** *It is unclear whether licensing of instructors needs to be continued.*

**Comments:** While quality instructors are essential to the health and welfare of blind persons using guide dogs, the general lack of complaints or discipline may suggest that this is an effectively self-regulated profession. Please see attached chart.

**ISSUE #3. (CLARIFY ONE-YEAR WORK EXPERIENCE FOR INSTRUCTORS?) Is there a discrepancy with guide dog school practices and the California Code of Regulations with regard to the one-year requirements of work experience?**

**Recommendation #3:** *The Department recommends that the discrepancies between school practices and the Board's statutes and regulations be reviewed.*

**Comments:** Board regulations (Section 2266, California Code of Regulations) prohibit a school from hiring an apprentice who has not had at least one year of actual experience in working with the *training* of dogs. However, Business and Professions Code Section 7209 pertaining to examination requirements only requires that candidates for examination must have the equivalent of three years of

*training* as an apprentice in a licensed school. There does not appear to be any statutory authority for the one-year experience requirement. The schools have developed an alternative program for meeting the three-year apprenticeship requirement by creating an “instructor’s assistant” training program to fulfill the one-year experience requirement.

The problem appears to be with the regulation requiring a person to have one year of experience in working with the training of dogs before s/he can even apply to be an apprentice. The regulation does not spell out what qualifies as *training of dogs*. Therefore, the regulations should be clarified.

## ADDITIONAL JOINT COMMITTEE STAFF RECOMMENDATIONS

**ISSUE #4. (EXTEND SUNSET DATE FOR ARBITRATION PROGRAM?) Should the pilot project for arbitration between guide dog users be extended, eliminated altogether, or transferred to a more appropriate jurisdiction?**

***Recommendation #4:*** *While considering the transfer of some of the functions of the Board to other jurisdiction(s), such as the proposed Commission for the Blind and Visually Impaired, the Legislature should consider shifting the arbitration program as well.*

**Comments:** One common area of conflict are disputes between guide dog schools and the blind guide dog users. Legislation enacted in 1993 established a five-year pilot project for an arbitration program to decide disputes between a guide dog user and a guide dog school regarding custody and continued use of a dog by a blind user. This pilot project was extended in 1998 and will become inoperative in July of 2002. Although the program is rarely used, the Board has indicated it is successful.

Section 7215.6 of the Business and Professions Code authorizes the Board to operate the arbitration process. It should be noted that the Board has no explicit jurisdiction over guide dog custody matters.